

EV549896445

08-12-05

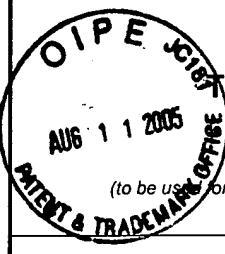
PTO/SB/21 (08-03)

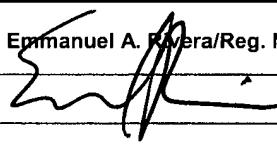
Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Tja/2442

 TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>		Application Number	09/286,822		
		Filing Date	4/5/1999		
		First Named Inventor	Thomas A. Grate		
		Group Art Unit	2142		
		Examiner Name	DOUGLAS B BLAIR		
		Total Number of Pages in This Submission	11	Attorney Docket Number	MS1-305US
ENCLOSURES (check all that apply)					
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)		<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (<i>Appeal Notice, Brief, Reply Brief</i>) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Letter Requesting to Resend Office Action; Return Receipt Post Card	
Remarks					

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual Name	Emmanuel A. Rivera/Reg. No. 45760
Signature	
Date	August 11, 2005

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Laurie Morgan		
Signature	Laurie Morgan	Date	8/11/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

1 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2 Application Serial No. 09/286,822
 3 Filing Date 4/05/99
 4 Inventorship Grate et al.
 5 Assignee Microsoft Corporation
 6 Group Art Unit 2142
 7 Examiner D. Blair
 Attorney's Docket No. MS1-305US
 Title: E-Commerce System and Method for Automated Configuration of Trading Relationships



8
 9 To: Honorable Commissioner for Patents
 10 P.O. Box 1450
 Alexandria, VA 22313-1450

11
 12 From: Emmanuel A. Rivera (Tel. 509-324-9256; Fax 509-323-8979)
Customer No. 22801

13
 14 **LETTER REQUESTING TO RESEND OFFICE ACTION**

15 Sir:

16 In a telephone interview with Supervisory Patent Examiner Andrew
 17 Caldwell and Emmanuel Rivera on August 9, 2005, it was discussed that the final
 18 Office Action dated March 31, 2005 has never been received in the mail by the
 19 Applicant. Applicant was only made aware of the Office Action by checking the
 20 status of the application through the USPTO's Patent Application Information
 21 Retrieval (PAIR) system.

22 Prior correspondence from the Office regarding this application had been
 23 received without undue delay or problems at the correspondence address provided
 24 by the Applicant.

1 It was pointed out by SPE Caldwell, that prior to PAIR, if an Office Action
2 was not received by an Applicant and the correspondence not returned to the
3 Office, the application would subsequently be abandoned, and Applicant would
4 have to petition to withdraw the holding of abandonment.

5 It was agreed by SPE Caldwell and Mr. Rivera that a letter would be sent by
6 Applicant requesting that the final Office Action be re-mailed and that the time to
7 reply be restarted. In addition to this letter, Applicant will also provide a showing
8 to establish nonreceipt of an Office Action as provided under MPEP 711.03(c) I A.

9 In further requirement of MPEP 711.03(c) I A., the undersigned practitioner
10 “states that the Office communication was not received by the practitioner and
11 attests to the fact that search of the file jacket and docket records indicates that the
12 Office communication was not received.”

13 Furthermore as required by MPEP 711.03(c) I A., included are copies of the
14 docket record where the nonreceived Office communication would have been
15 entered had it been received and docketed are attached as an appendix.

16

17

18

19

20

21

22

23

24

25

1 **CONCLUSION**

2 If any issues remain as to re-mailing the Office Action and restarting the
3 period of reply, the Examiner is urged to contact the undersigned attorney.

4

5 Dated: 8/11/05

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

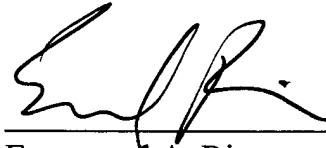
22

23

24

25

Respectfully Submitted,



By:

Emmanuel A. Rivera
Reg. No. 45,760
(509) 324-9256 ext. 245

1 **Appendix**



2 **Six pages follow**

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25